

Remarks

In response to the restriction requirement, Applicants elect the invention of Group I, claims 19-21, without traverse. Applicants note that they are requesting that the Examiner reconsider in respect of claims 25 and 26 as explained below.

To implement the restriction, claim 12 has been amended to delete the reference to A being $C(R^4)(R^5)$, thereby restricting the definition of A to oxygen in accordance with the election of Group I. Since reference to A being $C(R^4)(R^5)$ has been deleted from claim 12, the definitions of R^4 and R^5 have been deleted as well.

Claim 12 has been further amended to correct a typo by adding a hydrogen to the nitrogen in the carboxamide moiety, such that the formula (I) structure is now in accord with formula (i) as shown at page 2, lines 25-27 of the international publication, WO 2005/073222.

Since claim 19 has effectively been incorporated into claim 12, each of claims 19-21 has accordingly been canceled.

Claim 22 has been amended to delete compounds that are outside the scope of claim 12 as currently amended.

Claim 22 has also been amended to correct an obvious typographical error by canceling the compound 5-fluoro-*H*-({1-[(4-hydroxytetrahydro-2*H*-pyran-4-yl)methyl]piperidin-4-yl)methyl}-1-isopropyl-6-methyl-2-oxo-1,2-dihydropyridine-3-carboxamide and re-presenting it as 5-fluoro-*N*-({1-[(4-hydroxytetrahydro-2*H*-pyran-4-yl)methyl]piperidin-4-yl)methyl}-1-isopropyl-6-methyl-2-oxo-1,2-dihydropyridine-3-carboxamide. The typo and the correction have been bolded in the preceding sentence to highlight the change.

Claim 24 has been canceled.

Claims 22 and 23, by virtue of their dependence from claim 12 as currently amended, read on A is O and, per paragraph 2 of the office action, it is respectfully submitted that these claims can now be prosecuted as part of the Group I election.

It is noted that the Examiner grouped claims 24-26 into the invention of Group III and stated that they were drawn to a condition mediated by 5HT4. Applicants ask for reconsideration. Only claim 24 referred specifically to 5HT4 receptor agonist activity and claim 24 has now been canceled. It is respectfully requested that claims 25 and 26 be included within the scope of Group I on the basis that (1) both claims recite the treatment of specific indications rather than alluding specifically to 5HT4; (2) even though treatment of the indications may proceed via a 5HT4 mechanism, 5HT4 is not specifically recited; and (3) both claims are limited to A is O, as required by the Examiner, through their dependence from claim 12. Thus, although Applicants have elected Group I, Applicants respectfully

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request that claims 25 and 26 also be examined as part of Group I for the foregoing reasons.

In response to the requirement to elect a single species of compound in the event Applicants elect the invention of Group I, Applicants elect the compound 5-chloro-N-({1-[(4-hydroxytetrahydro-2H-pyran-4-yl)methyl]piperidin-4-yl)methyl}-1-isopropyl-6-methyl-2-oxo-1,2-dihdropyridine-3-carboxamide, the elected species being disclosed, *inter alia*, in example 1. All of the claims (including claims 22, 23, 25 and 26) read on the elected species.

Applicants note that the Examiner required the election of a single species (disease) in the event Applicants elected Group III. In the event the examiner agrees to include claims 25 and 26 in with the other claims in Group I as Applicants have requested, and in the event the Examiner continues to require the election of a single indication, Applicants elect gastroesophageal reflux disease as claimed in claim 26 and note, therefore, that both of claims 25 and 26 read on the species.

Early and favorable action on the merits is respectfully requested.

Respectfully submitted,

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James T. Jones
Attorney for Applicant(s)
Reg. No. 30,561

Pfizer Inc.
Patent Department, MS 9114
Eastern Point Road
Groton, Connecticut 06340
(860) 441-4903